



Walkwood

Church of England  Middle School

Complaints Policy

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| Governing Body Committee responsible: | Full Board | | |
| Approval granted: | 4 July 2016 | Review date: | 3 July 2018 |

“If one of my followers sins against you, go and point out what was wrong. But do it in private, just between the two of you. If that person listens, you have won back a follower. But if that one refuses to listen, take along one or two others. The Scriptures teach that every complaint must be proven true by two or more witnesses.”

Matthew 18: 15-16

“The core purpose of any Church school is to maximise the learning potential of every pupil within the love of God.”

SIAMS (Statutory Inspection of Anglican and Methodist Schools) 2012



Introduction

This document sets out the arrangements for consideration of complaints about the curriculum and about collective worship under the terms of Section 23 of the Education Reform Act 1988 as amended by Section 409 of Education Act 1996. It also takes account of The Education (Independent School Standards) Regulations 2014.

Purpose

The purpose of this document is to describe the procedures to be used in dealing with complaints and to describe the action to be taken by a complainant and by those dealing with the complaint.

The arrangements cover complaints made by parents and others in respect of the performance of duties or exercise of powers by the Governing Body. The arrangements cover complaints made on or after 1st April 1999.

The resolution of a complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents.

Scope of arrangements

Complaints under these arrangements are concerned only with the actions of the Governing Body. Complaints about the education provided for pupils are to be considered as complaints about the exercise of the Governing Body's responsibilities in respect of the school curriculum.

Separate procedures also exist for appeals about special needs assessments and school admissions and exclusions. (See the respective SEN and Admissions Policies). Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes.

The arrangements do not cover complaints about the actions of individual teachers or the Principal. If, in the course of their consideration of a complaint, the Governing Body conclude that disciplinary proceedings should be initiated they will take separate action as appropriate.

Where there is provision for a statutory appeals procedure in respect of any particular kind of complaint that statutory procedure must be exhausted before a complaint may be considered under the arrangements in this document.

If a statutory procedure allows for final appeal to the Education Funding Agency then such a complaint cannot fall within the scope of these arrangements. If a statutory procedure stops with an appeal to the Governing Body (as with appeals about the temporary withdrawal of pupils from part or all of the National Curriculum) further complaint may be made to the Education Funding Agency.

General principles

All complaints will be dealt with as quickly and efficiently as possible. The time taken to do this will vary with the gravity and complexity of the complaint and the urgency with which it needs to



be settled. However, the intention is that all complaints should be settled within a period which is reasonable in all the circumstances.

Urgent complaints will be identified as such and given priority.

All complaints will be investigated fully, fairly and carefully, and complainants will be kept informed of progress during, as well as at the end of, each stage.

The main aim at all stages will be to secure that either the complaint is settled or that a decision is taken about the complaint and it can then, if required, proceed to the next stage.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the School will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

Anonymous complaint

The School will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Principal who will decide what, if any, action should be taken.

Time Limits

The School aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the school is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays. For the avoidance of doubt, term dates are published on the school's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by the school to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered. In all cases, where a time limit cannot be complied with, the school will write to the complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

Late complaints

Where a complaint is submitted more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the School reserves the right to refuse to investigate the complaint



under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint which was submitted late will not be investigated, the school will write to the Complainant notifying them of the decision within 5 school days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Governors asking for the decision to be reviewed. The Chair of Governors will be provided with all documentation relating to the complaint, together with the letter from the school to the complainant, and will review the decision not to investigate the complaint. The Chair of Governors will not investigate the complaint itself during this review.

The Chair of Governors will write to the complainant with the outcome of the review within 10 school days of the date that the letter from the complainant seeking the review was received, and provide the school with a copy of the letter. If the Chair of Governors quashes the decision not to investigate the complaint, it will be referred to the school to be dealt with under this Complaints Policy in the usual way.

If the Chair of Governors upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

Stages

The arrangements define three levels at which a complaint could be considered. These are

1. the informal level;
2. the formal complaint to the Governing Body;
3. the hearing of the complaint by a panel;
4. the formal complaint to the Education Funding Agency. A complaint may be considered at more than one of these stages.

Preliminary Discussion

Many complaints or potential complaints can best be resolved in discussion with the staff of the school or in other informal discussion. This is where the process should start and unless there are exceptional circumstances there should be full discussion at the informal stage as a first step.

The vast majority of concerns and complaints can be resolved informally, often straight away. The school aims to ensure that complainants feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a complainant.

Complainants may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help complainants to decide whether they wish to take the matter further.

1. Informal stage

- This informal stage will involve discussion with an individual teacher or staff member in the first instance.



- The next tier of discussion involves the middle manager, such as the College Leader or Head of Department.
- Should there still be dissatisfaction, then the informal conversation will be with a member of the Senior Leadership Team,
- and finally with the Principal.

Where any member of staff becomes aware of a voiced concern, they should deal with it themselves if it is appropriate, and they feel comfortable in doing so. Many concerns can be resolved by simple clarification or the provision of information. It is anticipated that most concerns can be readily resolved at this informal stage. Where the person approached feels uncomfortable with dealing with the matter directly, they should involve, for example, their line manager.

Investigations will aim to clarify what has happened, who has been involved and what the complainant feels would put things right.

These four tiers are all part of the informal conversations to resolve a complaint. All these tiers should be explored by a complainant prior to making a formal complaint, except in exceptional circumstances. In the case of serious concerns (or where the school deems it more appropriate to do so) it may be necessary to refer these matters directly to the Principal.

Where the complaint is specifically about the Principal, similarly the parent/carer should discuss this with him/her at this stage first.

It is not appropriate for a complaint to be directed through a Governor. Any Governor receiving a complaint will give advice that there is an established procedure, and refer the complainant to the appropriate person. (This is because a Governor acting unilaterally could prejudice the involvement of Governors at a later stage).

The concern will be noted (including the outcome) and copied to the Principal (or appropriate person in charge of records in larger establishments). Where the subject of the complaint is the Principal, he/she will copy the record to the Chair of Governors.

Where informal attempts by the school have failed to bring about a satisfactory resolution for the parent/carer, the parent/carer is entitled to request that the complaint be treated more formally. Unless the complaint directly concerns the Principal, it will be him/her who deals with this next stage (Stage 2).

If the complaint is specifically about the Principal, and s/he has had the opportunity in Stage 1 to discuss the matter, the parent/carer can then directly contact the Chair of Governors about Stage 2.

The school will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit matters raised as a formal complaint under stage 3 of the complaints policy.

2. Investigation by the Chair of Governors

If attempts to settle the complaint informally have failed, the Principal will make the complainant aware of the name of the Chair of Governors to whom the complaint will be directed.



Communications will be handled by the Clerk to the Governing Body. Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

The complainant should set out the complaint in writing and may submit it to the Clerk of the Governing Body. This may be done using the Complaints Form in Appendix 1. This written notification should make clear exactly what the complaint is and should also make it clear that it is to be formally considered under these arrangements.

The Clerk will acknowledge receipt of the formal complaint in writing within five school days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.

The Clerk, in consultation with the Chair of the Governors, will identify any urgent cases which need to be considered as a priority.

The Chair of Governors may choose to meet with the complainant. The Clerk to the Governing Body will be in attendance to take notes. Complainants will be given reasonable notice of the date of the meeting.

The complainant may wish to make an oral presentation to supplement the written complaint. This will be allowed. The purpose of this presentation will be to enable the complainant to bring out more fully the nature and detail of the complaint so as to enable the investigation to proceed. The purpose is not to enable a response to the complaint to be made at that stage.

At any interview in connection with the complaint the complainant may be accompanied, if desired, by a friend, representative or interpreter.

When the complaint has been fully investigated and considered the Clerk will notify the complainant of the outcome in writing confirming the outcome of the review within twenty school days from the date that the request for a review was received. This will give an explanation of the conclusion, the reasons for it, and any action taken or proposed to be taken including details of any request made to those complained against to take particular actions to resolve the complaint and the further recourse available if appropriate.

3. Investigation by a panel hearing.

If the complainant is not satisfied with the outcome, the complaint must inform the Clerk within five school days of receiving the Clerk's letter which sought to resolve the matter in the previous stage. The complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the complainant does not accept the findings made under the previous stage. This must be done to the Clerk of the Governing Body.

The aim of the appeal to a panel of governors is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.



There will be a hearing with a panel set up by the academy trust, comprising at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school.

The Clerk will acknowledge receipt of the formal request for a hearing within 5 school days. The Governing Body will then convene a meeting of those members who are able to deal with a complaint, and engage an independent member. This will take place within 20 school days of the complainants' request for a hearing being acknowledged. Panel members should have had no prior involvement with the complaint.

The Clerk will write to the complainant giving the date and time of the meeting. This will be done within a reasonable timescale prior to the hearing itself. The letter should set out the procedure for the conduct of the hearing (see Appendix C) and the complainant's right to submit further written evidence to the committee.

The complainant may wish to make an oral presentation to supplement the written complaint. This will be allowed. The purpose of this presentation will be to enable the complainant to bring out more fully the nature and detail of the complaint, and to explain the dissatisfaction with the decision of the Chair of Governors. The purpose is not to enable a response to the complaint to be made at that stage.

At any interview in connection with the complaint the complainant may be accompanied, if desired, by a friend, representative or interpreter.

When the complaint has been fully considered, the Clerk will notify the complainant of the outcome in writing within 10 days of the hearing, giving an explanation of the conclusion, the reasons for it, and any action taken or proposed to be taken including details of any request made to those complained against to take particular actions to resolve the complaint and the further recourse available if appropriate.

This notification brings the complaint to the Governing Body to a conclusion.

4. Formal Complaint beyond the Governing Body

This formal stage will be used if either:

- the complainant has complained formally to the Governing Body, is not satisfied with the outcome, and wishes to complain to the Education Funding Agency (EFA); or
- the complaint relates to a matter which is solely the responsibility of the EFA and a complaint to the governors would therefore not be appropriate.

The Education Funding Agency (EFA) handles complaints about open academies and free schools. Part of its role is to make sure academies comply with the terms of their funding agreement which is a contract between the academy and the Secretary of State.

The EFA will not overturn the academy's decision, but if it finds that the academy has not dealt with the complaint properly it will request that the academy looks at the complaint again, and that the academy updates its complaints procedures to meet requirements.



What the Education Funding Agency will investigate

The EFA will look at complaints about academies that fall into the following areas:

- undue delay or non-compliance with an academy's own complaints procedure
- an academy's failure to comply with a duty imposed on it under its funding agreement with the Secretary of State
- an academy's failure to comply with any other legal obligation, unless there is another organisation better placed to consider the matter as set out in the next section

What the Education Funding Agency will not investigate

It will not investigate complaints that are, for example:

- about the quality of education or leadership, or concerns affecting the school as a whole. These should be raised with Ofsted
- about discrimination. These should be raised with the Equality Advisory Support Service
- about data protection. These should be raised with the Information Commissioner's Office
- about exam malpractice or maladministration. These should be raised with the Office of Qualifications and Examinations Regulation (Ofqual) and relevant awarding body
- about criminal behaviour. These should be raised with the police
- about any matter which is, or has been, subject to legal action
- about employment matters. These should be raised through the academy's grievance procedure, or taken to an Employment Tribunal
- about safeguarding or child protection matters. These should be taken up with the academy's Local Safeguarding Children's Board
- about a child or young person's Statement of Special Educational Need where there is another route of appeal, for example the First Tier Tribunal (Special Educational Needs and Disability) Service formerly the Special Educational Needs and Disability Tribunal (SENDIST)

The EFA will not consider complaints more than 12 months after a decision or action is taken. The only exceptions will be if the delay in sending the complaint to us was unavoidable or if there is evidence that the academy is not currently complying with legal requirements.

The EFA reserves the right not to consider complaints that:

- are malicious (that is, they are instituted without sufficient grounds and serving only to cause annoyance)
- use obscenities, racist or homophobic language
- contain personally offensive remarks about members of our staff
- are repeatedly submitted with only minor differences after we have fully addressed the complaint

Complaints about academies should be sent:

- via the Department for Education's schools complaints form:
<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>
- by post to Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD

It should be noted, however, in connection with (a) that the EFA has no power to inspect the provision or influence the content of denominational religious education or collective. Within the overall arrangements for the consideration of complaints there are therefore distinct procedure(s) for considering complaints about religious education and collective worship in



voluntary schools. Contact should be made with the Education Department at The Diocese of Worcester, The Old Palace, Deansway, Worcester, WR1 2JE.



Appendix A

Complaints Form

| | |
|--|--|
| Your name: | |
| Pupil's name: | |
| Your relationship to the pupil: | |
| Address: | |
| Postcode: | |
| Day time telephone number: | |
| Evening telephone number: | |
| Please give details of your complaint. (continue on a separate page if necessary) | |
| | |



What action, if any, have you already taken to try and resolve your complaint.
(e.g. Who did you speak to and what was the response?)

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What actions do you feel might resolve the problem at this stage?

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|--|

Are you attaching any paperwork? If so, please give details.

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| |
|--|

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

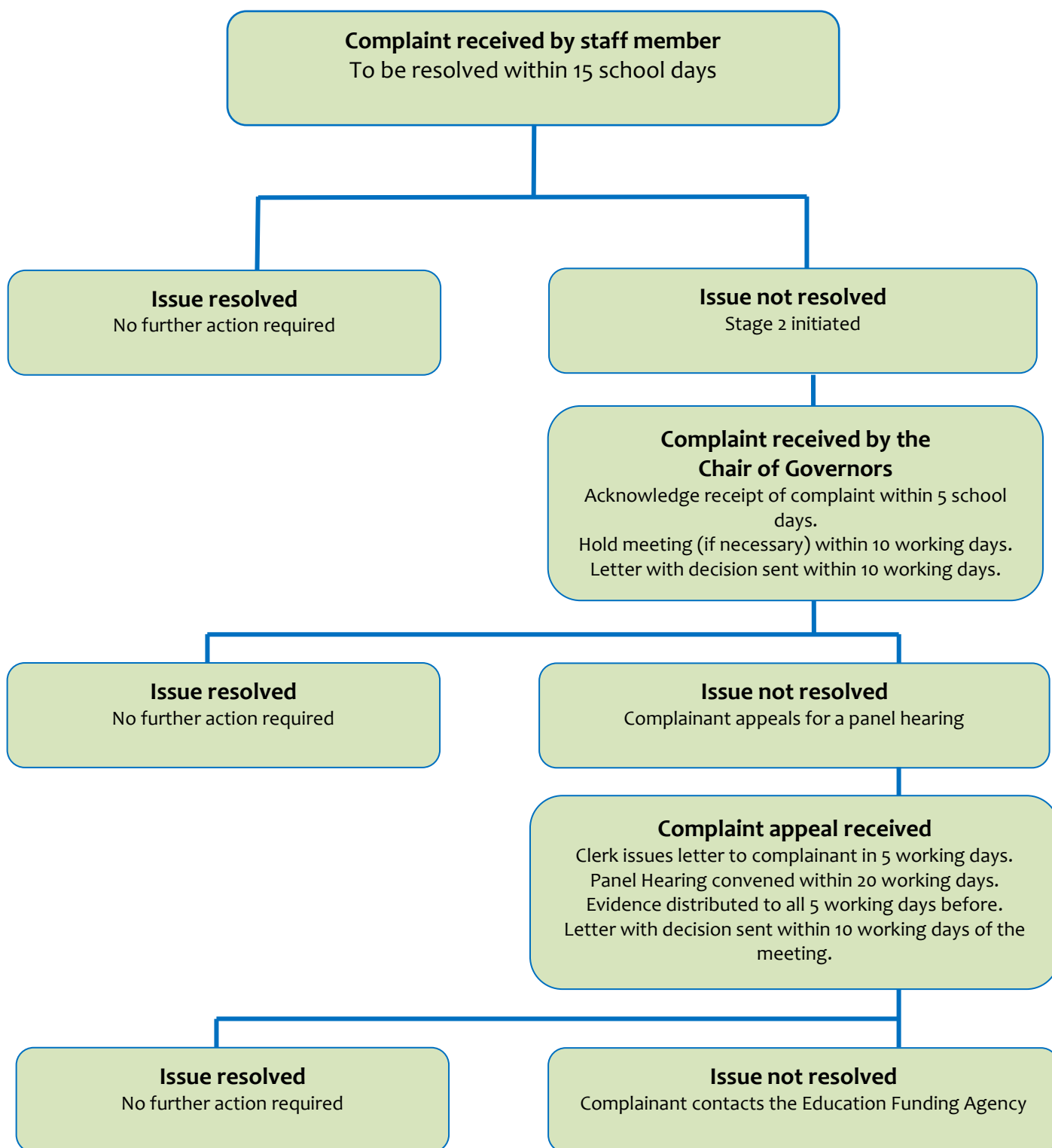
Date:

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Appendix B

Complaints Process



Appendix C

Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing

The Panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on appropriate action to be taken to resolve the complaint.
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The Panel should consider:-

- The evidence (written and oral) from the school representatives and the complainant.
- The relevant school policies and procedures (e.g. anti-bullying, race equality, dress code, and discipline). The extent to which the school's action is consistent with the appropriate school policy (i.e. have the school managed the issue in the manner defined in their documentation?).
- The response of the Panel to the parents/carers complaint, having considered the information made available to them, providing reasons for their decision.
- Areas of agreement identified between the parties.
- Misunderstandings identified, which can be remedied.

Possible Agenda

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines-
 - a. The complainant describes her/his complaint and may call witnesses.
 - b. The Principal may seek clarification from the complainant and any witnesses.
 - c. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - d. The Principal will respond to the complaint and may call witnesses.
 - e. The complainant may seek clarification from the Principal and any witnesses.
 - f. The governors' panel (including any Advisers) may seek clarification from the Principal and any witnesses.
 - g. The Principal will be given the opportunity to sum up.
 - h. The complainant will be given the opportunity to sum up.
 - i. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-
 - the validity of the complaint; appropriate action to be taken by the school and/or complainant;and where appropriate,
 - recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 10 days.

